IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1198 OF 2006
IN
CRIMINAL APPEAL NO.1089 OF 2006

Pravin Yamunaji Nichit ..Applicant

Vs.

State of Maharashtra ..Respondent

Mr.A.P.Mundargi, Senior Advocate for the Applicant.
Mr.S.D.Shinde, A.P.P. for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
SMT.R.S.DALVI,JJ.

DATE : 4TH JULY,2007

P.C.

1. Heard the learned Senior Counsel for the Applicant and the learned A.P.P.for the Respondent. By this Application, the Applicant is seeking bail. The Applicant has been convicted for the offence punishable under Section 302 of the Indian Penal Code and he was the prime accused. We have perused the Trial Court judgment as well as the record. The learned Trial Court had categorically observed that the P.W.No.5 to P.W.No.7 had witnessed that the Applicant, with the help of his associates attacked late Dilip at the sand platform at Malwadi and caused the injuries by sword and other weapons resulting the death of Dilip. It was also found that prior to the incident, there was a mobile call from the Applicant on the mobile belonging to the deceased.

2. The learned Senior Counsel for the Applicant could not dispute that these witnesses have deposed that they have seen the incident.

3. The Applicant was arrested on 13th September,2003 and the Trial was concluded and he was convicted on 12th September,2006. During that period, the bail has not been granted to the Applicant by the Trial Court. In the above, the Appeal has already been admitted by this Court on 24th November,2006.

4. In view of the aforesaid evidence, it cannot be said that the conviction is not based on legal evidence. Hence, the Application for bail stands rejected.

(SMT.R.S.DALVI,J.) **(DR.S.RADHAKRISHNAN,J.)**